### BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

#### **MINUTES**

Regular Meeting

March 16, 2010

<u>Call to Order</u>. A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 1:02 P. M., Tuesday, March 16, 2010, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II, Gary F. Snellings, Cord A. Sterling, Susan B. Stimpson, and Robert "Bob" Woodson.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pam Timmons, Deputy Clerk; associated staff and interested parties.

<u>Legislative</u>; <u>Student Government Day</u> Chairman, Mr. Dudenhefer, welcomed student representatives from the following high schools: Brooke Point, Colonial Forge, Mountain View, North Stafford and Stafford.

<u>Legislative</u>; <u>Presentations by the Public-II</u> Persons spoke on topics as identified:

Diana Ayala - Pot Holes

Brooke Jones - Money for education

Gary Krause - Roads

Adam Pettrizza - Snow Removal Charlie Brown - Snow Removal

Frank Howell - Programs to help kids stay out of trouble

Richard Chambers - Warrants for child support delinquency

Philip Blevins - Thank you for Student Government Day opportunity

<u>Work Session: FY2011 Budget - Sheriff</u> Sheriff Charles Jett gave a presentation and responded to Board members questions. Discussion ensued.

Mr. Dudenhefer mentioned the \$300,000 grant that the County received for the Computer Aided Dispatch.

In response to Ms. Stimpson's question about attaining the 11% dropped call average at the 911 Center, Sheriff Jett responded that additional staffing and dual training was needed.

Mr. Sterling asked if there was a way to identify dropped calls and inquired whether Dispatch did a follow-up to each call to 911. Sheriff Jett replied that each call to 911 was followed up with a call back whether it was a hang-up or an actual call for assistance.

Student, Ryan Artze, asked Sheriff Jett if his department had to cut back on services to the County due to budget reductions. Sheriff Jett said that he has not; he has only changed the way that his department does business.

Student, John Regan, asked if criminal activity or gang-related activity has increased due to the bad economy. The Sheriff responded that he would not necessarily attribute it to the economy, but said that there has been a slight increase in gang activity in the County.

Student, Jake Thompson, asked out of the eight homicides in the County during the last year, how many were domestic? The Sheriff responded that two were domestic in nature.

Mr. Milde commended Sheriff Jett on the spectacular job being done by his department.

Mr. Snellings echoed Mr. Milde's sentiments and asked what the status was concerning the state's budget. Sheriff Jett responded that 94% of agencies affected are being made whole.

Recess At 2:00 P.M., the Chairman declared a recess.

<u>Call to Order</u> At 2:14 P.M., the Chairman called the meeting back to order.

<u>Work Session:</u> FY2011 Budget – Fire and Rescue Rob Brown, Fire Chief, gave a presentation and responded to Board members questions. Discussion ensued.

Mr. Snellings asked Chief Brown if he could check with the director of the Spotsylvania County facility to get on Spotsylvania's regular schedule for fire training.

Mr. Snellings also inquired as to how many volunteers the County netted out of the approximate 565 that started training. Chief Brown responded that it was in excess 200 volunteers.

Mr. Snellings also asked what percentage of calls to the Stafford and Falmouth stations were I-95 related. Chief Brown will forward that number to the Board.

Mr. Snellings asked Chief Brown to provide the names of members of the committee formed to evaluate the funding process for volunteer staff. He further stated that he is concerned about Hartwood and the ISO rating.

Mr. Milde asked Chief Brown to explain how funding is determined and if it is by the numbers of calls to which each station responds.

Mr. Crisp asked if only career personnel receive physicals. Chief Brown responded that they do and stated that it costs approximately \$700 per person for a physical. He noted that most jurisdictions do not pay for volunteer physicals.

Mr. Woodson asked how many volunteer personnel are also career members at other stations. Chief Brown responded that it is approximately 20%.

Mr. Dudenhefer asked if the County contributed annuities towards LOSAP even though many did not qualify. Chief Brown said that it was true, but they still qualify for life insurance.

Mr. Dudenhefer requested that regarding LOSAP, Chief Brown looks at the numbers while working towards the \$100,000 contingency savings.

Mr. Milde requested staff recommendations on Options A, B, and C as outlined by Chief Brown in his presentation.

Mr. Snellings inquired about the ambulance fee collection rate and process. Chief Brown said that it has been working well. Mr. Snellings concluded by thanking Chief Brown for the excellent service that he and his department were providing to the citizens of Stafford County.

<u>Work Session:</u> FY2011 Budget – Computer Aided Dispatch Sheriff Charles Jett and David Noel, Director of Information Technology, gave a presentation and responded to Board members questions. Discussion ensued.

Maria Perrotte, Chief Financial Officer, answered Board members questions concerning borrowing funds for new/replacement equipment.

Work Session: Finance and Budget; Consider the Fiscal Year 2011-2016 Capital Improvements Program Anthony Romanello, County Administrator, gave a presentation and answered Board members questions.

Recess At 3:30 P.M., the Chairman declared a recess.

<u>Call to Order</u> At 3:43 P.M., the Chairman called the meeting back to order.

<u>Capital Improvements</u>: Mr. Dudenhefer motioned, seconded by Mr. Sterling to transfer \$1.36M from FY2012 to FY2011 for land acquisition of the Rescue One building for future renovation and use by the Commonwealth's Attorney. Discussion ensued.

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Mr. Milde made a substitute motion to approve the plan as presented in the CIP. Mr. Milde's motioned failed due to the lack of a second. Discussion ensued.

Ms. Stimpson motioned to Call the Question.

The Voting Board tally was:

Yea: (6) Crisp, Dudenhefer, Snellings, Sterling, Stimpson, Woodson

Nay: (1) Milde

<u>Parks and Recreation Bond Committee</u>: Mr. Sterling motioned to approve \$3.3M to develop Chichester Park for a baseball complex, Musselman Park for master planning and design, and to begin land purchase for a Rectangular Field Complex for soccer, football, and other users. Discussion ensued.

Mr. Milde motioned, seconded by Mr. Sterling to approve the plan presented in the CIP.

The Voting Board tally was:

Yea: (7) Milde, Sterling, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

<u>Transportation</u>: Mr. Dudenhefer motioned, seconded by Mr. Sterling, to approve the Transportation Plan as presented in the CIP.

The Voting Board tally was:

Yea: (7) Dudenhefer, Sterling, Crisp, Milde, Snellings, Stimpson, Woodson

Nay: (0)

<u>Public Works</u>: Mr. Dudenhefer motioned, seconded by Mr. Sterling, that \$1.36M be moved from FY12 to FY11 and to accept the Public Works portion of the CIP as amended, with no borrow associated.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Snellings, Sterling, Stimpson, Woodson

Nay: (0)

Mr. Dudenhefer motioned, seconded by Mr. Snellings to renovate the interior only of the Rescue One building and asked staff to come back with recommendations for the remaining \$1.9M.

The Voting Board tally was:

Yea: (7) Dudenhefer, Snellings, Crisp, Milde, Sterling, Stimpson, Woodson

Nay: (0)

Work Session: Economic Development; Ten Point Economic Development Plan Mr. Dudenhefer formed a committee consisting of Mr. Crisp and Ms. Stimpson to work with Deputy County Administrator, Mr. Tim Baroody, to discuss and bring back recommendations to the Board on April 6, 2010.

<u>Work Session: Sheriff; Parking Ordinance and Regulations</u> Sheriff Charles Jett gave a presentation and answered Board members questions. Discussion ensued.

Mr. Woodson questioned whether additional fines could be charged if a citizen does not comply in 30 days. Sheriff Jett replied that there was a \$10.00 fee included or a \$15.00 fee if the violation involved a handicapped parking space.

<u>Legislative</u>; <u>Closed Meeting</u> At 5:07 p.m., Mr. Sterling motioned, seconded by Mr. Woodson to adopt proposed Resolution CM10-07.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Crisp, Dudenhefer, Milde, Snellings, Stimpson

Nay: (0)

#### Resolution CM10-07 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice regarding pending litigation in R Income Properties, LLC, et al. v. Board of Supervisors, et al. and Airport Business Group, et al. v. Stafford Board of Supervisors, et al.; and the proposed rezoning of R Income and Airport Business Group property on Wyche Road; and a County Administration personnel matter; and

WHEREAS, pursuant to Section 2.2-3711 A.1 and A.7, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order</u> At 5:39 p.m., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u> Mr. Snellings motioned, seconded by Mr. Crisp to adopt proposed Resolution CM10-07a.

The Voting Board tally was:

Yea: (7) Snellings, Crisp, Dudenhefer, Milde, Sterling, Stimpson, Woodson

Nay: (0)

#### Resolution CM10-07a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MARCH 16, 2010

WHEREAS, the Board has, on this the 16<sup>th</sup> day of March, 2010 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 16<sup>th</sup> day of March, 2010, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such

public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Recess At 5:40 P.M., the Chairman declared a recess until 7:00 P.M.

<u>Call to Order</u> At 7:03 P.M., the Chairman called the meeting back to order.

<u>Invocation</u> Mr. Dudenhefer gave the Invocation.

<u>Pledge of Allegiance</u> Ms. Stimpson led in the Pledge of Allegiance to the Flag of the United States of America.

<u>Legislative</u>; <u>Presentations by the Public</u> The following persons desired to speak.

Karen Griffin - Alpha Kappa Alpha Sorority

Laurel Baker - County to complete work in Perry Farms

Hank Sharpenberg - Commuters / Proposed Ordinance O10-15

Dean Fetterolf - Budget

Jannette Martin - School Budget

Theresa Thompson - Funding Schools

Janice Byrd - Library Funding

Becky Baker - Library Funding

<u>Planning and Zoning</u>; <u>Amend Stafford County Code</u>, <u>Section 28-350(b)</u>, <u>Entitled "Granting of Variances"</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak:

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Sterling to adopt proposed Ordinance O10-03.

The Voting Board tally was:

Yea: (7) Milde, Sterling, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

#### Ordinance O10-03 reads as follows:

# AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-350(b), "GRANT OF VARIANCES"

WHEREAS, the Zoning Ordinance currently states that in order for a variance to be granted, it must alleviate a clearly demonstrable hardship approaching confiscation; and

WHEREAS, the Zoning Ordinance should be amended to remove the "approaching confiscation" language; and

WHEREAS, the Stafford County Zoning Ordinance will be consistent with the Code of Virginia, relating to boards of zoning appeals; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010 that Stafford County Code, Section 28-350(b), "Grant of Variances" is hereby amended and reordained as follows, with all other portions remaining the same:

#### Sec. 28-350. Grant of variances.

(b) The board of zoning appeals may authorize a variance under this section when a property owner can show that his property was acquired in good faith and where, by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at time of the effective date of the ordinance from which this chapter derives, or where, by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or the use of development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant; provided, that the variances shall be in harmony with the intended spirit and purpose of this chapter.

BE IT FURTHER ORDAINED that this ordinance shall become effective on March 16, 2010.

<u>Planning and Zoning; Amend Stafford County Code, Section 28-25, Entitled "Definition of Specific Terms" Regarding Medical and Dental Clinics</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak:

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to adopt proposed Ordinance O10-14. Discussion ensued.

Mr. Woodson stated that he would not support this ordinance due to certain types of clinics that may be opened in the County.

#### The Voting Board tally was:

Yea: (6) Dudenhefer, Milde, Crisp, Snellings, Sterling, Stimpson,

Nay: (1) Woodson

#### Ordinance O10-14 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 28-35, TABLE OF USES AND STANDARDS AND TABLE 3.1, DISTRICT USES AND STANDARDS, OF THE ZONING ORDINANCE

WHEREAS, a medical or dental clinic is defined as a building or group of rooms used by more than two (2) licensed professionals practicing as a group, to conduct the normal operations associated with health care providers; and

WHEREAS, under the current ordinance; medical or dental clinics require the issuance of a Conditional Use Permit in the B-1, B-2 and PD-1 Zoning Districts, and a medical clinic requires the issuance of a Conditional Use Permit in the RC Zoning District; and

WHEREAS, the Board desires to permit medical and dental clinics as a by-right use in the B-1, B-2, B-3, RC, SC, and PD-1 Zoning Districts; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff, and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-35, Table of Uses and Standards and Table 3.1, District Uses and Standards, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

#### Sec. 28-35. Table of uses and standards.

#### Table 3.1. District Uses and Standards

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(a) Uses permitted by right:

Clinic, medical and dental

(b) Conditional use permit:

Clinic, medical and dental

#### B-2 Urban Commercial:

(a) Uses permitted by right:

Clinic, medical and dental

(b) Conditional use permit:

Clinic, medical/dental

#### *B-3 Office:*

(a) Uses permitted by right:

Clinic, medical and dental

#### RC Rural Commercial:

(a) Uses permitted by right: Clinic, medical and dental

(b) Conditional use permit:

Clinic, medical

#### SC Suburban Commercial:

(a) Uses permitted by right:

Clinic, medical and dental

#### PD-1Planned Development - 1:

(a) Uses permitted by right:

Clinic, medical and dental

#### (b) Conditional use permit:

#### Clinic, medical/dental

BE IT FURTHER ORDAINED that this ordinance shall become effective on March 16, 2010.

Planning and Zoning; Amend Stafford County Code, Section 28-25, "Definition of Specific Terms" of the Zoning Ordinance; and Section 22-4, "Definitions"; Section 22-46, "Assignment of Subdivision Names" and Section 22-134, "Required Amenities" of the Subdivision Ordinance Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak:

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O10-15.

#### The Voting Board tally was:

Yea: (7) Sterling, Woodson, Crisp, Dudenhefer, Milde, Snellings, Stimpson

Nay: (0)

#### Ordinance O10-15 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; SECTION 22-4, DEFINITIONS; SECTION 22-46, ASSIGNMENT OF SUBDIVISION NAMES; AND SECTION 22-134, REQUIRED AMENITIES

WHEREAS, the Zoning Ordinance provides for size and location of a subdivision sign; and

WHEREAS, the Zoning Ordinance does not require specific sign content for a subdivision sign; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning and subdivision practice require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that Section 28-25, Definitions of Specific Terms; Section 22-4, Definitions; Section 22-46, Assignment of Subdivision Names; and Section 22-134, Required Amenities, be and hereby are amended and reordained as follows, with all other portions remaining the same:

#### Sec. 28-25. Definitions of specific terms.

When used in this chapter, the following terms shall have the meaning herein ascribed:

Sign, subdivision. A sign sixty (60) square feet or less in aggregate area identifying a subdivision by the name found on the recorded plat for such subdivision and located thereon on the subdivision site at the one or more of the entrances to such subdivision. Said sign shall be no greater in height than six (6) feet above ground level and shall be set back from any right-of-way for proper sight distance to allow for an unobstructed motorist view.

#### Sec. 22-4. Definitions.

Sign, subdivision. A sign sixty (60) square feet or less in aggregate area identifying a subdivision by the name found on the recorded plat for such subdivision and located on the subdivision site at one or more of the entrances to such subdivision. Said sign shall be no greater in height than six (6) feet above ground level and shall be set back from any right-of-way to allow for an unobstructed motorist view.

#### Sec. 22-46. Assignment of subdivision names.

- (a) The naming of a subdivision shall be accepted with the approval of a preliminary subdivision plan, minor subdivision plat or family subdivision plat.
- (b) The name of a new section of a subdivision that was not shown on an approved preliminary plan shall be accepted with the approval of the final plat provided a technical change to the approved preliminary plan per Section 22-67 of this chapter has been approved and provided the section number has not already been assigned and the new section is adjacent to the subdivision that has the name it is using.
- (c) A subdivision name that has already been accepted pursuant to subsection (a) above shall not be used for another subdivision. The four (4) cardinal points of the compass may be used as a prefix or suffix, thus not duplicating the name of the subdivision.
- (d) A change of the name of a subdivision after the approval of the final plat, minor subdivision plat or family subdivision plat shall require a vacation of the plat pursuant to Article IV of this chapter.

#### Sec. 22-134. Required amenities.

Amenities shown on an approved preliminary subdivision plan, including subdivision signs, shall be constructed with the corresponding section of the subdivision.

Such amenities shall be completed prior to approval of a final plat for that section of the subdivision. The subdivision sign shall contain the name of the subdivision approved per Section 22-46 of this Chapter.

BE IT FURTHER ORDAINED that this ordinance shall become effective on March 16, 2010.

Planning and Zoning; Consider Amendments to the Zoning and Subdivision Ordinances

Making Traffic Impact Analysis (TIA) Requirements Consistent with VDOT Regulations

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered

Board members questions.

The Chairman opened the public hearing.

No persons desired to speak:

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O10-16.

The Voting Board tally was:

Yea: (7) Milde, Woodson, Crisp, Dudenhefer, Snellings, Sterling, Stimpson

Nay: (0)

#### Ordinance O10-16 reads as follows:

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE TO COMPLY WITH TRAFFIC IMPACT ANALYSIS AS ADOPTED BY THE VIRGINIA GENERAL ASSEMBLY UNDER CHAPTER 527

WHEREAS, the Board is interested in promoting public health, safety, and welfare; and

WHEREAS, land development also impacts the transportation network; and

WHEREAS, in an effort to provide sufficient information as land develops to ascertain the impact on the transportation network; and

WHEREAS, Section 15.2-2222.1(C) of the Code of Virginia (1950), as amended, authorizes that applicants submit a Traffic Impact Analysis (TIA) for site plans meeting the Virginia Department of Transportation (VDOT) requirements for TIAs; and

WHEREAS, the Board has conducted a public hearing in accordance with the notice provision of Sections 15.2-1426 and 15.2-1427 of the Code of Virginia (1950), as amended;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that Section 22-57 of the Stafford County Code be and it hereby is amended as follows:

(e) Traffic Impact Analysis as outlined in 24 VAC 30-155 shall be submitted when any preliminary plan generates vehicle trips per day that meet the VDOT requirements for TIAs under 24 VAC 30-155, as certified by a civil engineer. An addendum or supplementary TIA shall be submitted when required by VDOT regulations.

**State law references**: Similar provisions, Virginia Code Section 15.2-2222.1(C)

Mr. Milde motioned, seconded by Mr. Snellings, to adopt proposed Ordinance O10-20.

#### The Voting Board tally was:

Yea: (7) Milde, Snellings, Crisp, Dudenhefer, Sterling, Stimpson, Woodson

Nay: (0)

#### Ordinance O10-20 reads as follows:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO COMPLY WITH TRAFFIC IMPACT ANALYSIS AS ADOPTED BY THE VIRGINIA GENERAL ASSEMBLY UNDER CHAPTER 527

WHEREAS, the Board is interested in promoting public health, safety, and welfare; and

WHEREAS, land development also impacts the transportation network; and

WHEREAS, in an effort to provide sufficient information as land develops to ascertain the impact on the transportation network; and

WHEREAS, Section 15.2-2222.1(C) of the Code of Virginia (1950), as amended, authorizes that applicants submit a Traffic Impact Analysis (TIA) for site plans meeting the Virginia Department of Transportation (VDOT) requirements for TIAs; and

WHEREAS, the Board has conducted a public hearing in accordance with the notice provision of Sections 15.2-1426 and 15.2-1427 of the Code of Virginia (1950), as amended:

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that Section 28-248 of the Stafford County Code be and it hereby is amended as follows:

(h) Traffic Impact Analysis as outlined in 24 VAC 30-155 shall be submitted when any major site development plan generates vehicle trips per day that meet the VDOT requirements for TIAs under 24 VAC 30-155, as certified by a civil engineer. An addendum or supplementary TIA shall be submitted when required by VDOT regulations.

**State law references**: Similar provisions, Virginia Code Section 15.2-2222.1(C)

Mr. Milde motioned, seconded by Ms. Stimpson to adopt proposed Ordinance O10-21.

#### The Voting Board tally was:

Yea: (7) Milde, Stimpson, Crisp, Dudenhefer, Snellings, Sterling, Woodson

Nay: (0)

#### Ordinance O10-21 reads as follows:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO COMPLY WITH TRAFFIC IMPACT ANALYSIS AS ADOPTED BY THE VIRGINIA GENERAL ASSEMBLY UNDER CHAPTER 527

WHEREAS, the Board is interested in promoting public health, safety, and welfare; and

WHEREAS, land development also impacts the transportation network; and

WHEREAS, in an effort to provide sufficient information as land develops to ascertain the impact on the transportation network; and

WHEREAS, Section 15.2-2222.1(C) of the Code of Virginia (1950), as amended, authorizes that applicants submit a Traffic Impact Analysis (TIA) for site plans meeting the Virginia Department of Transportation (VDOT) requirements for TIAs; and

WHEREAS, the Board has conducted a public hearing in accordance with the notice provision of Sections 15.2-1426 and 15.2-1427 of the Code of Virginia (1950), as amended;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that Section 28-203(c)(1) of the Stafford County Code be and it hereby is amended as follows:

(1) Any reclassification to any land use district where maximized development under the regulations of that district would generate five hundred (500) or more average daily trips for the development. Calculations for trip generation rates shall be based on data from the most current edition of the Institute of Traffic Engineers Trip Generation Manual, a traffic study for the site done to standards approved by Stafford County, or

using average daily trip (ADT) rates supplied by Stafford County; ) Traffic Impact Analysis as outlined in 24 VAC 30-155 shall be submitted when any land use reclassification where the maximum development permitted under the district regulations would generate one thousand (1,000) or more vehicle trips per day or would meet the VDOT requirements for TIAs under 24 VAC 30-155. Proffers which limit the vehicle trips per day may be taken into consideration when calculating the maximum development. An addendum or supplementary TIA shall be submitted when required by VDOT regulations.

State law references: Similar provisions, Virginia Code Section 15.2-2222.1(B)

Mr. Milde motioned, seconded by Ms. Stimpson to adopt proposed Ordinance O10-22.

#### The Voting Board tally was:

Yea: (7) Milde, Stimpson, Crisp, Dudenhefer, Snellings, Sterling, Woodson

Nay: (0)

#### Ordinance O10-22 reads as follows:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO COMPLY WITH TRAFFIC IMPACT ANALYSIS AS ADOPTED BY THE VIRGINIA GENERAL ASSEMBLY UNDER CHAPTER 527

WHEREAS, the Board is interested in promoting public health, safety, and welfare; and

WHEREAS, land development also impacts the transportation network; and

WHEREAS, in an effort to provide sufficient information as land develops to ascertain the impact on the transportation network; and

WHEREAS, Section 15.2-2222.1(C) of the Code of Virginia (1950), as amended, authorizes that applicants submit a Traffic Impact Analysis (TIA) for site plans meeting the Virginia Department of Transportation (VDOT) requirements for TIAs; and

WHEREAS, the Board has conducted a public hearing in accordance with the notice provision of Sections 15.2-1426 and 15.2-1427 of the Code of Virginia (1950), as amended;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that Section 28-185(c)(1) of the Stafford County Code be and it hereby is amended as follows:

f. Traffic Impact Analysis as outlined in 24 VAC 30-155 shall be submitted when any conditional use permit would generate one hundred fifty (150) or more vehicle trips per day above the existing use and the site would meet the VDOT requirements for TIAs

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under 24 VAC 30-155 or Stafford County rezoning TIA requirements. Proffers or conditions which limit the vehicle trips per day may be taken into consideration when calculating the maximum development. An addendum or supplementary TIA shall be submitted when required by VDOT regulations.

State law references: Similar provisions, Virginia Code Section 15.2-2222.1(B)

Sheriff; Amend and Reordain Stafford County Code, Chapter 15, by Adding Article VII Entitled "Towing Motor Vehicles / Trespassing on Private Property" Sheriff Charles Jett gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Jennifer Dunn

The Chairman closed the public hearing.

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Sterling to adopt proposed Ordinance O10-07 with a change to the language stipulating that when no on-site office exists, that no signature is required and a verbal request is sufficient. Discussion ensued.

Mr. Dudenhefer made a substitute motion, seconded by Ms. Stimpson to adopt proposed Ordinance O10-07 as written.

The Voting Board tally on the substitute motion was:

Yea: (3) Dudenhefer, Stimpson, Woodson

Nay: (4) Crisp, Milde, Snellings, Sterling

The Voting Board tally on the original motion was:

Yea: (5) Crisp, Dudenhefer, Milde, Snellings, Sterling

Nay: (2) Stimpson, Woodson

Ordinance O10-07 reads as follows:

# AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 15, ARTICLE VII, ENTITLED "TOWING OF TRESPASSING VEHICLES FROM PRIVATE PROPERTY"

WHEREAS, Section 46.2-1232 of the Virginia Code, authorizes the County to regulate the removal of trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property; and

WHEREAS, many localities regulate this type of towing to ensure uniformity in towing charges; and

WHEREAS, the Board desires to amend the Stafford County Code to regulate the towing of trespassing vehicles from private property; and

WHEREAS, the Board appointed the Advisory Board on Towing of Trespassing Vehicles as required under Virginia Code Section 46.2-1233.2; and

WHEREAS, the Board has carefully considered the recommendations of the Advisory Board, staff, and the testimony at the public hearing; and

WHEREAS, regulating the removal of trespassing vehicles serves the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of March, 2010, that Stafford County Code, Chapter 15, be and it hereby is amended and reordained as follows, all other portions remain unchanged:

# ARTICLE VII. TOWING OF TRESPASSING MOTOR VEHICLES FROM PRIVATE PROPERTY

#### Sec. 15-165. Purpose.

Under the authority provided in Virginia Code § 46.2-1232, the Board hereby enacts this article to regulate the removal of trespassing vehicles from private property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property. The purpose of this article is to protect the public health, safety, and welfare of the county and its citizens.

#### Sec. 15-166. Definitions.

<u>Unless a different meaning is required by the context, the following terms, as used in this article, shall have the meanings hereinafter ascribed to them:</u>

*County* means the County of Stafford.

Motor vehicle or vehicle means every vehicle as defined in this section that is self-propelled, or designed for self-propulsion, except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this article, any device

herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

Storage fee means the compensation payable for the storage of a towed vehicle that has been stored at or in a facility owned, operated, leased or used by a tow truck service.

Tow, tows, or towing means the act of removing a vehicle, by tow truck, from private property within the County. The preparation of a vehicle for removal by a tow truck, the attachment of a vehicle to a tow truck, or both, does not constitute a tow or towing for purposes of this article. The immobilization of a motor vehicle shall not be considered a tow or towing for purposes of this article.

Tow truck means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined under Virginia Code § 46.2-100.

<u>Tow truck operator</u> or <u>operator</u> means any properly licensed driver, over the age of eighteen, who is employed and authorized by a tow truck service to remove by towing any trespassing motor vehicle or trailer from private property.

<u>Tow truck service</u> means any person or firm that is engaged in the business of towing, or advertising or offering to tow, vehicles from private property in the County, without the consent of the owner, representative, or custodian of the vehicle, by use of a tow truck.

<u>Towing board</u> means the Stafford County Advisory Board on Towing of <u>Trespassing Vehicles</u>, which consists of nine (9) members: four (4) law-enforcement officers, four (4) towing and recovery operators, and one (1) citizen.

<u>Trailer</u> means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

State law references: Similar provisions, Virginia Code §§ 46.2-100 and 46.2-1232.

#### Sec. 15-167. Exemptions.

- (a) This article shall not apply to sheriff or other law enforcement, fire, rescue, or public health motor vehicles or trailers, or where a motor vehicle or trailer, because of a wreck, accident, other emergency, or other government business is parked or left temporarily on the property of another.
- (b) The lawful repossession of motor vehicles or trailers shall be exempt from the provisions of this article.

State law references: Similar provisions, Virginia Code §§ 46.2-1231 and 46.2-1232.

#### Sec. 15-168. Towing of motor vehicles from private property.

- (a) It shall be unlawful for any person to tow a motor vehicle or trailer from private property or to direct another person to tow a motor vehicle or trailer from private property without first obtaining authorization of the owner lessee, representative, agent, or custodian of the motor vehicle or trailer; the owner, lessee, custodian, or other person lawfully in charge of the private property; or a law enforcement officer.
- (b) No owner, lessee, custodian, or other person lawfully in charge of any private parking lot or parking area or parking space therein, or of any other private lot or building shall have any motor vehicle or trailer occupying the lot, area, space, or building removed by a tow truck service without authorization of the property owner, lessee, custodian, or other person lawfully in charge of the premises, or their agent, except in accordance with the provisions of this article.

If such tow is performed during the normal business hours of the property owner, lessee, custodian, or other person lawfully in charge of the property from which the motor vehicle or trailer is being towed, or his agent, the tow truck operator performing the tow shall obtain written authorization, at the time the motor vehicle or trailer is being towed, of the property owner, lessee, custodian, or other person lawfully in charge of the property, or his agent. Such written authorization shall be in addition to any written contract between the tow truck service and the owner, lessee, custodian, or other person lawfully in charge of the property, or his agent. If the property owner, lessee, custodian, or other person lawfully in charge of the property from which the motor vehicle or trailer is being towed, or his agent, including, but not limited to, a property management company or homeowners'/property owners' association, does not maintain an on-site office, the tow truck operator performing the tow is not required to obtain written authorization, at the time the motor vehicle or trailer is being towed, of the property owner, lessee, custodian, or other person lawfully in charge of the property, or his agent. However, the tow truck operator shall obtain verbal approval or authorization, by electronic means, including, but not limited to, email, text message, or facsimile, at the time the motor vehicle or trailer is being towed, of the property owner, lessee, custodian, or other person lawfully in charge of the property, or his agent. Such verbal approval or authorization by electronic means shall be in addition to any written contract between the tow truck service and the owner, lessee, custodian, or other person lawfully in charge of the property, or his agent. The tow truck operator or tow truck service shall provide the sheriff's office, upon request, with the following information or documentation related to any tow requiring verbal approval or authorization by electronic means: (1) the full name and title of the individual approving or authorizing the tow, (2) the date and time that the tow was approved or authorized, and (3) how the tow truck operator contacted the individual approving or authorizing the tow.

If such tow is performed outside the normal business hours of the property owner, lessee, custodian, or other person lawfully in charge of the property from which the motor vehicle or trailer is being towed, or his agent, the tow truck operator performing the tow shall obtain verbal approval or authorization, by electronic means, including, but not limited to, email, text message, or facsimile, at the time the motor vehicle or trailer is

being towed, of the property owner, lessee, custodian, or other person lawfully in charge of the property, or his agent. Such verbal approval or authorization by electronic means shall be in addition to any written contract between the tow truck service and the owner, lessee, custodian, or other person lawfully in charge of the property, or his agent. The tow truck operator or tow truck service shall provide the sheriff's office, upon request, with the following information or documentation related to any tow requiring verbal approval or authorization by electronic means: (1) the full name and title of the individual approving or authorizing the tow, (2) the date and time that the tow was approved or authorized, and (3) how the tow truck operator contacted the individual approving or authorizing the tow.

For the purposes of this subsection, "agent" shall not include any person who either (i) is related by blood or marriage to the tow truck service or tow truck operator; or (ii) has a financial interest in the tow truck service's business.

- (c) The tow truck operator performing the tow shall obtain and retain the following, and shall provide, upon request, a copy of each to the owner, operator, or lessee of the property:
  - (1) digital print and/or Polaroid photographs of the motor vehicle or trailer in the location that the motor vehicle or trailer is being towed from;
  - (2) digital print and/or Polaroid photographs of the condition of the motor vehicle or trailer prior to the tow, including prior to the motor vehicle or trailer being attached to or placed on any tow truck or towing equipment; and
  - (3) to the extent available, other documentary evidence substantiating the reason for the removal.

**State law references:** Similar provisions, Code of Virginia § 46.2-1232.

#### Sec. 15-169. Charges for towing and storage of motor vehicles.

- (a) No tow truck service shall charge a recovery fee or initial towing fee of more than One Hundred Dollars (\$100.00) for towing any motor vehicle or trailer, with a gross weight of 11,000 pounds or less, from a private parking lot or parking area or parking space therein, or from any other private lot or building. No tow truck service shall charge a recovery fee or initial towing fee of more than One Hundred Fifty Dollars (\$150.00) for towing any motor vehicle or trailer, with a gross weight of between 11,001 pounds and 26,000 pounds, from a private parking lot or parking area or parking space therein, or from any other private lot or building. No tow truck service shall charge a recovery fee or initial towing fee of more than Two Hundred Seventy-Five Dollars (\$275.00) for towing any motor vehicle or trailer, with a gross weight of 26,001 pounds or more, from a private parking lot or parking area or parking space therein, or from any other private lot or building; except that a tow truck service may charge a recovery or initial towing fee in excess of Two Hundred Seventy-Five Dollars (\$275.00) in extenuating circumstances, provided that the fee is reasonable under the circumstances. There shall be no additional charges or fees for mileage.
- (b) No tow truck service shall assess any storage charge or fee for the initial 24 hours of storage. After the initial 24 hours of storage, a storage charge, not to exceed Thirty-Five Dollars (\$35.00) per 24-hour period may be assessed for any motor vehicle or trailer with a gross weight of 11,000 pounds or less. After the initial 24 hours of storage,

a storage charge, not to exceed Forty-Five Dollars (\$45.00) per 24-hour period, may be assessed for any motor vehicle or trailer with a gross weight of between 11,001 pounds and 26,000 pounds. After the initial 24 hours of storage, a storage charge, not to exceed Fifty-Five Dollars (\$55.00) per 24-hour period may be assessed for any motor vehicle or trailer with a gross weight of 26,001 pounds or more. Delays caused by storage yard personnel shall not be included when computing storage charges or fees.

- (c) No tow truck service shall assess any administrative fee or charge for the initial 48 hours of storage. After the initial 48 hours of storage, an administrative fee or charge of Fifty Dollars (\$50.00) may be assessed pursuant to Virginia Code § 46.2-644.01. In no case shall a tow truck service assess the administrative fee or charge if it has not begun complying with the requirements of Virginia Code § 46.2-644.01. There shall be no additional administrative charges or fees.
- (d) Notwithstanding any other provision of this article to the contrary, if the owner, lessee, representative, agent, or custodian of the trespassing motor vehicle or trailer is present and seeks to remove it before it is actually towed from the premises, the trespassing motor vehicle or trailer shall not be towed, but the owner, representative, agent, or custodian of the motor vehicle or trailer shall be liable to the tow truck service for a reasonable fee, not to exceed Twenty-Five Dollars (\$25.00), in lieu of towing. The in lieu of towing fee or drop fee shall apply if the tow truck operator is preparing the motor vehicle or trailer for removal by a tow truck or has attached the motor vehicle or trailer to a tow truck for removal, but before the motor vehicle or trailer is actually towed from the premises. For the purposes of this subsection, a motor vehicle or trailer is actually towed once it is moved. In no event shall an in lieu of towing fee and a towing fee under subsection (a) be charged.
- (e) An after-hours release fee not to exceed Thirty-Five Dollars (\$35.00) may be assessed for the release of any motor vehicle or trailer stored, if the owner, lessee, representative, agent, or custodian of the motor vehicle or trailer requests the release between the hours of 7:00 p.m. and 8:00 a.m. on weekdays, or any time on Saturdays, Sundays, or a federal or county holiday. In no event shall more than one such fee be charged for towing any motor vehicle or trailer.
- (f) At the time the motor vehicle or trailer owner, representative, agent, or custodian reclaims a towed motor vehicle or trailer, the tow truck service shall provide a clearly legible written receipt that contains the following information:
  - (1) the name, address, and telephone number of the tow truck service;
  - (2) the address that the motor vehicle or trailer was towed from;
  - (3) the date and time that the motor vehicle or trailer was towed;
  - (4) the date and time the motor vehicle or trailer entered the facility where it was placed for storage by the tow truck operator;
  - (5) an itemized list of all the fees that are being charged; and
  - (6) a signature of an authorized representative of the tow truck service.
- (g) The board of supervisors, with the advice of the advisory board, shall review any fees and charges established by this article at least every two years. If as a result of this review, the board of supervisors determines that any fee or charge needs to be adjusted, the adjustment shall be made in a timely manner.

**State law references:** Similar provisions, Virginia Code §§ 46.2-1232, 46.2-1233, 46.2-1233.1, and 46.2-1233.2.

#### Sec. 15-170. Signs required on property.

- (a) It shall be unlawful for any owner, lessee, custodian, or other person lawfully in charge of the premises on which trespassing motor vehicles or trailers are located to have such motor vehicles or trailers removed from the premises unless clearly legible and identical signs, visible and unobstructed day and night upon entering the parking area are posted at all entrances and exits from the parking lot or parking area. Each sign must meet the following requirements:
  - (1) are 18 inches wide and 24 inches tall;
  - (2) contain a pictorial symbol of a tow truck;
  - (3) state, in lettering at least one inch in height: "PRIVATE PARKING" or "CUSTOMER PARKING ONLY" "[NAME OF BUSINESS OR OWNER]" "TOWING ENFORCED." If applicable, the sign shall state "TOWING ENFORCED 24 HOURS." If applicable, the sign shall state the hours and days of the weeks during which towing is enforced.
  - (4) contain the name of the tow truck service and its telephone number, where the owner, lessee, representative, agent, or custodian of the motor vehicle or trailer may call, on a 24-hour-per-day basis, for information concerning its retrieval; and
  - (5) are printed with red and white lettering on a reflective background.
- (b) The requirements of subsection (a) herein shall not apply to the towing of trespassing motor vehicles or trailers from commercial premises if the owner, lessee, custodian, or other person lawfully in charge of the premises is physically present at the site and time of the tow, and provides written authorization for that particular tow. This written authorization shall be in addition to any written contract between the tow truck service and the owner, lessee, custodian, or other person lawfully in charge of the property, or his agent.
- (c) The provisions of this section shall not apply to any parcel of property used primarily as a single-family or duplex dwelling.

**State law references:** Similar provisions, Virginia Code §§ 46.2-1231 and 46.2-1232.

#### Sec. 15-171. Sheriff to be notified of removal of vehicle.

- (a) Prior to or immediately upon, and in no case more than twenty minutes after, the actual removal of any motor vehicle or trailer from a private parking lot or parking area pursuant to this article, the tow truck operator shall notify the sheriff's office. The tow truck operator shall provide the sheriff's office dispatcher with the following information:
  - (1) the name of the tow truck service and the tow truck operator;
  - (2) the date and time that the motor vehicle or trailer was towed;
  - (3) the address or location that the motor vehicle or trailer is being towed from:

- (4) the address or location of the garage or storage facility that the motor vehicle or trailer is being towed to;
- (5) the address of the tow truck service if different from the garage or storage facility that the motor vehicle or trailer is being towed to;
- (6) the telephone number that the owner of the motor vehicle or trailer may call, on a 24-hour-per-day basis, for information concerning its retrieval;
- (7) the telephone number of the tow truck service that towed the motor vehicle or trailer if different from the telephone number that the owner may call concerning its retrieval; and
- (8) the license plate number, the state of issuance, the vehicle identification number (VIN), and the make, model, and year of the motor vehicle or trailer being towed.
- (b) It shall be unlawful for any tow truck service or tow truck operator to fail to report a tow as required by this section. A violation of this section shall constitute a traffic infraction punishable by a fine not to exceed One Hundred Dollars (\$100.00). In addition, the failure to report a tow shall limit the total amount that may be charged by the tow truck service for the storage and safekeeping of the towed vehicle to Twenty Dollars (\$20.00).

State law references: Similar provisions, Code of Virginia, §§ 46.2-1231 and 46.2-1232.

#### Sec. 15-172. Vehicle Storage.

- (a) Any person or firm engaged in the business of towing motor vehicles or trailers from private property without the consent of the motor vehicle or trailer owner, lessee, representative, agent, or custodian shall have an appropriately zoned, fenced-in, secured facility and/or lot for storing motor vehicles or trailers towed pursuant to this Article. No tow truck service shall tow or otherwise move any motor vehicle or trailer from any private property within the County to a place outside of the County.
- (b) All motor vehicles or trailers towed under this article shall be towed to a lawfully operated garage or storage facility located within the boundaries of the County. All motor vehicles or trailers towed under this article shall be immediately available for retrieval by their owner, lessee, representative, agent, or custodian on a 24-hour-per-day basis. For purposes of this subsection, immediately available means the motor vehicle or trailer is available for retrieval no more than one hour after the owner, lessee, representative, agent, or custodian has contacted the tow truck service, garage, or storage facility to retrieve the motor vehicle or trailer.
- (c) All tow truck services shall allow motor vehicle or trailer owners, lessees, custodians, or agents access to their vehicle or trailer, whether or not it has been or will be released, for the purpose of the removal of personal property during the tow truck service's normal business hours. For purposes of this section, personal property shall not include any parts of the vehicle or property that is physically attached to the vehicle. However, any child safety or child restraint device in, or attached to, the motor vehicle or trailer shall be released immediately to the owner, lessee, representative, custodian, or agent upon request.

- (d) All businesses engaged in towing motor vehicles or trailers from private property within the County, without the consent of their owners, shall prominently display at their main place of business and at any garage or storage facility within the County that towed motor vehicles or trailers are retrieved from, a comprehensive list of all their charges and fees for towing, recovery, and storage services, or the basis of such charges. Charges and fees in excess of those posted shall not be collectable from any motor vehicle or trailer owner, lessee, representative, agent, or custodian whose motor vehicle or trailer is towed, recovered, or stored without their consent.
- (e) No motor vehicle or trailer owner, lessee, representative, agent, or custodian shall be required to sign any waiver of their right to receive compensation for damage to their motor vehicle or trailer as a condition of the motor vehicle's or trailer's release from storage.
- (f) The owner, lessee, representative, agent, or custodian of a motor vehicle or trailer shall be permitted to pay all fees and charges and secure the full and complete release of the motor vehicle or trailer at the same site where the motor vehicle or trailer is stored on a 24-hour-per-day basis.

State law references: Similar provisions, Virginia Code §§ 46.2-1231, 46.2-1232, and 46.2-1233.

#### Sec. 15-173. Prohibited Acts.

It shall be unlawful for any tow truck service or tow truck operator to:

- (a) Tow or otherwise move a motor vehicle or trailer from any private property within the County to a place outside of the County.
- (b) Block the movement of any motor vehicle or trailer, other than when on the property of the tow truck service, to prevent the owner, lessee, representative, agent, or custodian, from moving the motor vehicle or trailer when they appear and indicate a desire to move the motor vehicle or trailer.
- (c) Collect any charge or fee in excess of, or in addition to, those authorized by this article.
- (d) Tow or otherwise remove any motor vehicle or trailer under this section using any tow truck not specifically manufactured for the purpose of towing motor vehicles or trailers in a legally prescribed manner.
- (e) Prohibit the owner, lessee, representative, agent, or custodian of any motor vehicle or trailer from inspecting the motor vehicle or trailer prior to the actual payment of any assessed fees and/or charges.
- (f) Tow any motor vehicle or trailer while the tow truck service, tow truck operator, and tow truck are not in full compliance with all applicable state and local laws and regulations, including, but not limited to, any applicable state and local licensing requirements. Tow truck services shall provide the sheriff's office or other law

enforcement with evidence of its compliance with any state and local laws and requirements upon request.

(g) Tow any motor vehicle or trailer while not having the tow truck service's name, address (no P.O. Box numbers), and telephone number printed on both sides of the tow truck in letters and numerals of such size, shape, and color as to be readily legible during all hours of the day and night from a distance of fifty (50) feet while the tow truck is in motion. In no case shall the name, address, and telephone number be less than two inches in height.

State law references: Similar provisions, Virginia Code §§ 46.2-1231, 46.2-1232, and 46.2-1233. Sec. 15-174. Manner of Payment.

Tow truck services shall accept payment for towing fees, storage fees, retrieval fees, and the in lieu of towing fee provided in this article in each of the following ways:

- (1) cash in United States currency;
- (2) insurance company check;
- (3) travelers' checks or money orders payable in United States currency; and
- (4) any debit, credit, or charge card that the towing operator is authorized by the issuing credit or charge card company to accept, and that is accepted by the tow truck service in the ordinary course of business. All tow truck services shall accept payment for towing fees, storage fees, retrieval fees, administrative fees, and the "in lieu of towing fee" provided in this article by at least one of the following credit cards companies: American Express, Discover, Mastercard, or Visa.

**State law references:** Similar provisions, Virginia Code §§ 46.2-1232 and 46.2-1233.

#### Sec. 15-175. Tow firm operator's log.

Tow truck services shall keep a log of all motor vehicles and trailers towed pursuant to this article. The log shall include: (1) all information set forth in § 15-171(a) of this article, (2) the written authorization to tow set forth in § 15-170(b), (3) the amount charged for each tow made pursuant to this article, (4) the photographs taken at the time of the tow as set forth in § 15-168(c), (5) any other documentary evidence substantiating the reason for the removal, and (6) a copy of the receipt provided to the motor vehicle or trailer owner, representative, agent, or custodian as set forth in § 15-169(f). The log shall be available for inspection by the sheriff's office or law enforcement upon request. The log for each tow shall be maintained and made available for at least one year from the date of the tow.

State law references: Similar provisions, Virginia Code § 46.2-1232.

#### Sec. 15-176. Penalties.

Except as otherwise specifically provided, each violation of this article shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

State law references: Similar provisions, Virginia Code §§ 46.2-1232 and 46.2-1233.

Sec. 15-177. Severability.

If any of the articles, section, subsections, paragraphs, sentences, clauses, or phrases of this Article shall be declared unconstitutional or invalid by the valid judgment, decree, or order of a court of competent jurisdiction, this unconstitutionality or invalidity shall not affect the validity of the Article in its entirety, or any of the remaining articles,

sections, subsections, paragraphs, clauses, or phrases.

Finance and Budget; Participate in the Spring 2010 VPSA School Sale and Budget and

Appropriate the Bond Proceeds Mr. Scott Horan, Stafford County Schools Chief

Facilities Officer, gave a presentation and answered Board members questions.

Mr. Woodson asked why three fields need the irrigation systems replaced. Mr. Horan

answered that the systems are very old and have leaks and that it has been very time

consuming and expensive to keep the existing systems in working order.

Mr. Woodson also asked Mr. Horan to explain roof replacement. He explained that there

is water damage to the interior due to leaking roof.

Mr. Sterling asked Sheriff Jett to comment about the upgrades to the security for the

schools. Sheriff Jett responded that he felt all upgrades were necessary for the safety of

staff and students. Discussion ensued.

The Chairman opened the public hearing.

The following persons desired to speak:

Heather Stefl

Wendy Payne

The Chairman closed the public hearing.

Following discussion about the term length of the borrow, Mr. Sterling motioned,

seconded by Mr. Crisp, to adopt proposed Resolution R10-96, with a change to a 15-year

term.

The Voting Board tally was:

Yea: (6) Crisp, Milde, Snellings, Sterling, Stimpson, Woodson

#### Nay: (1) Dudenhefer

#### Resolution R10-96 reads as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$6,185,000 GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF STAFFORD, VIRGINIA TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of Stafford, Virginia (the "County") has determined that it is necessary and expedient to borrow an amount not to exceed \$6,185,000 and to issue its general obligation school bonds to finance certain capital projects for school purposes; and

WHEREAS, the Board held a public hearing on March 16, 2010, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia of 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has requested by resolution the Board to authorize the issuance of the Bonds (as hereinafter defined) and has consented to the issuance of the Bonds; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$6,185,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority ("VPSA") in connection with the sale of the Bonds; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Bonds relative to, the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of VPSA's bonds; and

WHEREAS, such factors may result in requiring the County to accept a discount, given the VPSA Purchase Price Objective and market conditions, under which circumstance the proceeds from the sale of the Bonds received by the County will be less than the amount set forth in paragraph 1 below.

# NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA:

Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and to issue and sell general obligation school bonds of the County in the aggregate principal amount not to exceed \$6,185,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Bonds at a price determined by VPSA and accepted by the Chairman of the Board or the County Administrator and upon the terms established pursuant to this Resolution. The County Administrator and the Chairman of the Board, or either of them, and such officer or officers of the County as either of them may designate, are hereby authorized and directed to enter into the Bond Sale Agreement with the VPSA providing for the sale of the Bonds to VPSA in substantially the form on file with the County Administrator, which form is hereby approved (the "Bond Sale Agreement").

Details of the Bonds. The Bonds shall be issuable in fully registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2010" (or such other designation as the County Administrator may approve) shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 (each an "Interest Payment Date"), beginning January 15, 2011, at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts established in accordance with paragraph 4 of this Resolution. The Interest Payment Dates and the Principal Payment Dates are subject to change at the request of VPSA.

Interest Rates and Principal installments. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by VPSA, provided that each interest rate shall be no more than five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed six percent (6%) per annum. The County Administrator is further authorized and directed to accept the aggregate principal amount of the Bonds and the amounts of principal of the Bonds coming due on each Principal Payment Date ("Principal Installments") established by VPSA, including any changes in the Interest Payment Dates, the Principal Payment Dates and the Principal Installments which may be requested by VPSA provided that such aggregate principal amount shall not exceed the maximum amount set forth in paragraph one and the final maturity of the Bonds shall not be later than 16 years from their date. The execution and delivery of the Bonds as described in paragraph 8 hereof shall conclusively evidence such Interest Payment Dates, Principal Payment Dates, interest rates, principal amount and Principal Installments as having been so accepted as authorized by this Resolution.

<u>Form of the Bonds</u>. The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as <u>Exhibit A</u>.

<u>Payment; Paying Agent and Bond Registrar</u>. The following provisions shall apply to the Bonds:

(a) For as long as VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia,

then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

- (b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.
- (c) U.S. Bank National Association, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

Prepayment or Redemption. The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2020, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2020, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2020, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2020, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2020, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2020 through July 14, 2021	101%
July 15, 2021 through July 14, 2022	100.5
July 15, 2022 and thereafter	100;

<u>Provided, however,</u> that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption. The County Administrator is authorized to approve such other redemption provisions, including changes to the redemption dates set forth above, as may be requested by VPSA.

Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto. The manner of such execution may be by facsimile, provided that if both signatures are by facsimile, the Bonds shall not be valid until authenticated by the manual signature of the Paying Agent.

Pledge of Full Faith and Credit. For the prompt payment of the principal of, and the premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of, and the premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or

amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

Use of Proceeds Certificate; Non-Arbitrage Certificate. The Chairman of the Board and the County Administrator, or either of them and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Non-Arbitrage Certificate, if required by bond counsel, and a Use of Proceeds Certificate setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Use of Proceeds Certificate and the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for federal income tax purposes.

State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The County Administrator and the Chairman of the Board, or either of them and such officer or officers of the County as either of them may designate, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager, and the depository substantially in the form on file with the County Administrator, which form is hereby approved.

Continuing Disclosure Agreement. The Chairman of the Board and the County Administrator, or either of them, and such other officer or officers of the County as either of them may designate are hereby authorized and directed (i) to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed, and (ii) to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

<u>Filing of Resolution</u>. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

<u>Further Actions</u>. The County Administrator, the Chairman of the Board, and all such other officers, employees and agents of the County as either of them may designate are hereby authorized to take such action as the County Administrator or the Chairman of the Board may consider necessary or desirable in connection with the

issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Stafford, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on March 16, 2010, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Stafford, Virginia, this 16<sup>th</sup> day of March, 2010.

# EXHIBIT A (FORM OF TEMPORARY BOND)

NO. TR-1	
\$	

#### UNITED STATES OF AMERICA COMMONWEALTH OF VIRGINIA COUNTY OF STAFFORD General Obligation School Bond Series 2010

For as long as the Virginia Public School Authority is the registered owner of this Bond, U.S. Bank National Association, Richmond, Virginia, as bond registrar (the "Bond Registrar") shall make all payments of principal, premium, if any, and interest on this Bond, without presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next succeeding the scheduled Payment Date or date fixed for prepayment

or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of the Bonds provides, and Section 15.2-2624 of the Code of Virginia of 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended, and resolutions duly adopted by the Board of Supervisors of the County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2020 and the definitive Bonds for which this Bond may be exchanged that mature on or before July 15, 2020 are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due after July 15, 2020, and the definitive Bonds for which this Bond may be exchanged that mature after July 15, 2020 are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2019, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<b>Prices</b>
July 15, 2020 through July 14, 2021	101%
July 15, 2021 through July 14, 2022	100.5
July 15, 2022 and thereafter	100:

<u>Provided</u>, <u>however</u>, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Stafford, Virginia, has caused this Bond to be issued in the name of the County of Stafford, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated May \_\_\_\_, 2010.

### COUNTY OF STAFFORD, VIRGINIA

Mr. Milde motioned, seconded by Mr. Woodson, to adopt proposed Resolution R10-97.

The Voting Board tally was:

Yea: (6) Crisp, Milde, Snellings, Sterling, Stimpson, Woodson

Nay: (1) Dudenhefer

#### Resolution R10-97 reads as follows:

### A RESOLUTION TO BUDGET AND APPROPRIATE BOND PROCEEDS FROM GENERAL OBLIGATION SCHOOL BONDS

WHEREAS, the Board, on March 16, 2010, adopted Resolution R10-96 which approved the issuance and sale of General Obligation school bonds in an amount not to exceed \$6,185,000; and

WHEREAS the budget needs to be amended to allow the County to receive the proceeds and transfer them to the School Construction Fund; and

WHEREAS, a public hearing on the proposed amendment to the budget was held March 16, 2010 as required by Section 15.2-2507 of the Code of Virginia (1950), as amended; and

WHEREAS, the Board has carefully considered the recommendation of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of March, 2010, that the County Administrator be and he hereby is authorized to budget and appropriate funds as follows:

#### GENERAL CAPITAL PROJECTS FUND:

Revenue:

Proceeds from VPSA Bond Sale \$6,185,000

Expenditure:

Transfer to School Construction Fund \$6,185,000

SCHOOL CONSTRUCTION FUND

Revenue

Transfer from Capital Projects Fund \$6,185,000

Expense

**School Construction** 

\$6,185,000

# Additions/Deletions to the Regular Agenda

Mr. Milde motioned, seconded by Mr. Woodson, to delete Item 25 - Discuss Application/Fee Schedule for the BZA; and add Item 28 - Legislative; Discuss Ramifications of HB 1250.

## The Voting Board tally was:

Yea: (7) Milde, Woodson, Crisp, Dudenhefer, Snellings, Sterling, Stimpson

Nay: (0)

## Legislative; Consent Agenda

Mr. Sterling motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 11 thru 19, except for Items 15 and 19.

## The Voting Board tally was:

Yea: (7) Sterling, Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

## Item 11. Legislative; Approve Minutes of the March 2, 2010 Board Meeting

Item 13. Public Works; Petition VDOT to Include Gateway Drive and Stableside Lane within Bridle Lakes Estates Subdivision, Section 1, into the Secondary System of State Highways

#### Resolution R10-70 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE GATEWAY DRIVE AND STABLESIDE LANE WITHIN BRIDLE LAKE ESTATES SUBDIVISION, SECTION ONE, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Gateway Drive and Stableside Lane within Bridle Lake Estates Subdivision, Section One, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March 2010, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Bridle Lake Estates Subdivision, Section One, into the Secondary System of State Highways:

Street
Gateway Dr. (SR-2175)
From: Int. Caisson Rd. (SR-603) Sta. 10+00

To: Int. Stableside Ln. Sta. 18+50

ROW width = 50 ft.

Gateway Dr. (SR-2175) From: Int. Stableside Ln. Sta. 18+50 0.01 Mi.

To: Stableside Ln. Sta. 19+03 ROW width = 50 ft.

Stableside Ln. (SR-2176) From: Hollywood Farm Rd. (SR-601) Sta. 45+64 0.67 Mi.

To: Int. Gateway Dr. Sta. 10+00 ROW width = 50 ft.

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Bridle Lake Estates Section One, Instrument Numbers 070013465 and 040024781; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Residency Administrator of VDOT.

Item 14. Public Works; Petition VDOT for Abandonments, Corrections, and Additions to the Segments of Deacon Road, Comet Road, and Harrell Road in the Secondary System of State Highways

#### Resolution R10-85 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE ABANDONMENTS, CORRECTIONS AND AN ADDITION TO SEGMENTS OF DEACON ROAD (SR-607), COMET ROAD (SR-1028) AND HARRELL ROAD (SR-1027) IN THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Virginia Department of Transportation (VDOT) has provided the Board with an illustration, dated February 18, 2010 depicting abandonments, an addition and corrections required in the Secondary System of State Highways as a result of VDOT Project 0607-089-223, C-502; and

WHEREAS, the completed road improvements serve our citizens in the same manner as before the modifications and the abandoned segments no longer serve a public need; and

WHEREAS, as a result of these improvements, adjustments need to be made to the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that VDOT be and it hereby is requested to add to the Secondary System of State Highways those portions of road identified herein, and depicted on the contained herein, illustration, pursuant to Section 33.1-155, Section 33.1-229 and Section 33.1-69, of the Code of Virginia (1950), as amended:

# Type Change to the Secondary System of State Highways: Abandonments

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: VDOT Project
Pursuant to Code of Virginia Statute: Section 33.1-155

# Street Name and/or State Route Number

Harrell Road (SR-1027), (P-F)

From: Deacon Road (SR-607), Station 111+73 Intersection

To: 0.09 mile west on Deacon Road (SR-607), a distance of 0.09 mile

Comet Road (SR-1028), (U-T)

From: Deacon Road (SR-607), Station 106+40, at the old Comet Road

(SR-1028) Intersection

To: 0.015 mile north on Deacon Road (SR-607), a distance of 0.01 mile

Comet Road (SR-1028), (V-Y)

From: Comet Road (SR-1028) new cul-de-sac

To: Deacon Road (SR 607), Station 108+00, a distance of 0.03 mile

#### Type Change to the Secondary System of State Highways: Data Corrections

This Board hereby requests the transfer of the following segment(s) of the Interstate or Primary System to this County's Secondary System of State Highways.

Reason for Change: VDOT Project
Pursuant to Code of Virginia Statute: Section 33.1-69

## Street Name and/or State Route Number

Deacon Road (SR-607), (B-C)

From: Deacon Road (SR-607) 0.10 mile north of Ridge Pointe Lane (SR-1389)

To: Deacon Road (SR-607), Station 104+73, at Synan Road (SR-1062),

a distance of 0.28 mile

Deacon Road (SR-607), (C-D)

From: Deacon Road (SR-607), Station 104+73 at Synan Road (SR-1062)

To: Deacon Road (SR-607), Station 106+51 at Woodlawn Terrace (SR-1064), a distance of 0.11 mile

Deacon Road (SR-607), (D-Z)

From: Deacon Road (SR-607), Station 106+51 at Woodlawn Terrace (SR-1064)

To: Deacon Road (SR 607, Station 109+57 at Woodlawn Drive (SR-1027), a distance of 0.19 mile

Deacon Road (SR-607), (Z-E)

From: Deacon Road (SR-607), Station 109+57 at Woodlawn Drive (SR-1027)

To: Deacon Road (SR- 607), Station 111+25 at Harrell Road (SR-1027), new entrance, a distance of 0.10 mile

Deacon Road (SR-607), (E-F)

From: Deacon Road (SR-607), Station 111+25 at Harrell Road (SR-1027), new entrance

To: Deacon Road (SR-607), Station 111+73 at Harrell Road (SR-1027), old entrance, a distance of 0.03 mile

Deacon Road (SR-607), (F-G)

From: Deacon Road (SR-607), Station 111+73 at Harrell Road (SR-1027), old entrance

To: Deacon Road (SR-607), Station 113+32 at Ficklen Road (SR-1016), a distance of 0.10 mile

Deacon Road (SR-607), (G-H)

From: Deacon Road (SR-607), Station 113+32 at Ficklen Road (SR-1016)

To: Deacon Road (SR 607), Station 116+60 at Clermont Drive (SR-1324), a distance of 0.20 mile

Deacon Road (SR-607), (H-J)

From: Deacon Road (SR-607), Station 116+60 at Clermont Drive (SR-1324)

To: Deacon Road (SR-607), Station 118+44 at Leeland Road (SR-626), a distance of 0.11 mile

Deacon Road (SR-607), (J-K)

From: Deacon Road (SR-607), Station 118+44 at Leeland Road (SR-626)

To: Deacon Road (SR-607), Station 119+08 at Jett Street (SR-1019), a distance of 0.04 mile

Deacon Road (SR-607, (K-L)

From: Deacon Road (SR-607), Station 119+08 at Jett Street (SR-1019)

To: Deacon Road (SR-607), Station 120+36, 0.01 mile west of Culpeper Street (SR-1021), a distance of 0.08 mile

Harrell Road (SR-1027), (R-P)

From: Harrell Road (SR-1027), Station 301+40, Intersection with Harrell Road (SR-623)

To: Harrell Road (SR-1027), Station 301+24, new connection to Deacon Road (SR-607), a distance of 0.01 mile

Comet Road (SR-1028), (T-V)

From: Deacon Road (SR-607), Station 106+51, new entrance

To: Comet Road (SR-1028) Cul-de-sac, a distance of 0.07 mile

## Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right-of-way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: VDOT Project
Pursuant to Code of Virginia Statute: Section 33.1-229

#### Street Name and/or State Route Number

Harrell Road (SR-1027), (P-E)

From: Harrell Road (SR-1027), Station 301+24, new connection to Deacon Road (SR-607)

To: Harrell Road (SR-1027), Station 300+00, new connection to Deacon Road (SR-607), a distance of 0.07 mile

Recordation Reference: VDOT Plans Right-of-Way width (feet) = 54-131 ft

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Residency Administrator of VDOT.

## <u>Item 17.</u> Authorize a Public Hearing to:

## Resolution R10-78 reads as follows:

RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE. CHAPTER 15. ARTICLE III, DIVISION 1, **ENTITLED** "GENERALLY" AND DIVISION 2, ENTITLED "COURTHOUSE PARKING LOT," AND ARTICLE IV, DIVISION 1, ENTITLED "GENERALLY," AND DIVISION 2, ENTITLED "NUISANCE **INOPERABLE** MOTOR VEHICLES ON RESIDENTIAL, COMMERCIAL OR AGRICULTURAL PROPERTY"

WHEREAS, Section 46.2-1220 of the Virginia Code authorizes the County to regulate the parking of vehicles; and

WHEREAS, a number of localities regulate or prohibit parking within their localities; and

WHEREAS, the Board desires to amend the County Code to regulate or prohibit parking of vehicles in the County; and

WHEREAS, the Board finds that regulating or prohibiting the parking of vehicles serves the public health, safety, and welfare;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of March, 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing to amend and reordain Stafford County Code, Chapter 15, Article III, Division 1 entitled "Generally," and Division 2 entitled "Courthouse Parking Lot," and Article IV, Division 1, entitled "Generally," and Division 2, entitled "Nuisance Inoperable Motor Vehicles on Residential, Commercial or Agricultural Property."

## Resolution R10-94 reads as follows:

A RESOLUTION AUTHORIZING A PUBLIC HEARING TO CONSIDER THE TRANSFER OF OWNERSHIP OF CERTAIN PROPERTY TO THE AQUIA HARBOUR BOARD OF DIRECTORS

WHEREAS, the Board desires to construct a trail to provide public access to the historical resources on Government Island; and

WHEREAS, the ownership of portions of platted lots 1065 through 1080 was transferred from the Aquia Harbour Property Owners Association to the Stafford County Board of Supervisors to facilitate construction of the access trail to Government Island; and

WHEREAS, re-evaluation of the design of a portion of the boardwalk has determined that a more favorable alignment is available; and

WHEREAS, the Aquia Harbour Board of Directors has indicated a willingness to transfer ownership of the property required to Stafford County; and

WHEREAS, certain property originally transferred to the County is no longer required; and

WHEREAS, the Aquia Harbour Board of Directors has requested the return of property no longer required by the County; and

WHEREAS, the Board must authorize a public hearing to enable the County to dispose of property; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider the transfer of property to the Aquia Harbour Board of Directors.

<u>Item 18. Sheriff; Budget and Appropriate Grant Funds for Radio Interoperability Capabilities</u>

## Resolution R10-83 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE IDENTIFIED GRANT FUNDS TO THE SHERIFF'S BUDGET FOR THE FACILITATION OF IDENTIFIED PROJECT

WHEREAS, the Stafford County Sheriff's Office has recently been awarded funding through a regional Interoperable Emergency Communications Grant Program (IECGP) to be facilitated by Stafford County. The funds provided through this Grant will provide for Phase 2 of an analysis of radio communications interoperability throughout the region and, in particular, along major interstate corridors such as I-95 through the Fredericksburg region, and

WHEREAS, there are no matching funding required of Stafford County or other localities to facilitate these Grants;

NOW, THEREFORE, BE IT RESOLVED that by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, One Hundred Sixteen Thousand Dollars (\$116,000) be and it hereby is budgeted and appropriated to the Sheriff's Office Budget.

15. <u>Human Resources</u>; <u>Consider Leave Purchase Program for County Employees</u> Mr. Snellings motioned, seconded by Mr. Sterling to adopt proposed Resolution R10-82.

#### The Voting Board tally was:

Yea: (5) Snellings, Sterling, Dudenhefer, Milde, Stimpson

Nay: (0)

Absent: (2) Crisp, Woodson

#### Resolution R10-82 reads as follows:

#### A RESOLUTION TO CONSIDER A LEAVE PURCHASE PROGRAM

WHEREAS, staff has been investigating ways to reduce payroll costs during these tough economic times; and

WHEREAS, a Leave Purchase Program allows employees to voluntarily purchase leave time through payroll deduction and utilize the leave days throughout the fiscal year; and

WHEREAS, employees can voluntarily choose the number of days they purchase and when the days are used, based on the Leave Purchase Program guidelines;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that it be and hereby does authorize the County Administrator to implement a Leave Purchase Program.

19. Economic Development; Authorize the County Administrator to Work with the City of Fredericksburg on Collaborative Approaches to the Heritage Loop Concept Mr. Snellings motioned, seconded by Mr. Milde to adopt proposed Resolution R10-89.

## The Voting Board tally was:

Yea: (6) Snellings, Milde, Crisp, Dudenhefer, Sterling, Stimpson

Nay: (0)

Absent: (1) Woodson

#### Resolution R10-89 reads as follows:

# A RESOLUTION ENDORSING TRAILS LINKING STAFFORD AND THE CITY OF FREDERICKSBURG

WHEREAS, the City of Fredericksburg and Stafford County recognize the rich heritage tourism resources that lie within each locality; and

WHEREAS, the City of Fredericksburg and Stafford County desire to fully develop pedestrian and bicycle trails on their respective sides of the Rappahannock River for the enjoyment of local citizenry; and

WHEREAS, both localities desire to compliment robust economic development and tourism efforts to attract and retain businesses that compliment sensitive river front development, incorporating new ways to access the beauty of the Rappahannock River; and

WHEREAS, both communities have and continue to position local trail systems among national efforts including the National Parks Service's Potomac Heritage National Scenic Trail, the Captain John Smith Chesapeake National Historic Trail, and the East Coast Greenway Trail; and

WHEREAS, regionally each community is working with the Fredericksburg Area Metropolitan Planning Organization to support and encourage regional recreational trail opportunities in the area through the development of their Bicycle and Pedestrian Plan; and

WHEREAS, it is the desire of the Board to encourage continued work toward the creation of an historically significant scenic trail system, offering healthy transportation alternatives and a new regional tourism asset along the Rappahannock River; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010 that it be and hereby directs the County Administrator to continue to work with the City of Fredericksburg to ensure connectivity across the Falmouth and Chatham bridges, accommodating safe and lighted pedestrian/bicycle passage; and

BE IT FURTHER RESOLVED that consideration of collaborative grant applications are regionally pursued; including naming, branding, and marketing the trail system as an important tourism and recreation initiative.

Public Works; Approve FY11 Congestion Mitigation/Air Quality (CMAQ) Improvement
Program Projects and Approve FY2011 Regional Surface Transportation Program
(RSTP) Projects Mr. Sterling motioned, seconded by Mr. Woodson to adopt proposed
Resolution R10-80 with an addition of the Staffordboro lot as the number one project.
Discussion ensued.

Mr. Dudenhefer made a friendly amendment to allow \$400,000 for design of the Staffordboro Boulevard Commuter Parking Lot expansion of 1,060 spaces with an estimated construction cost of \$2,477,000; and \$500,000 to provide funding for the parking lot expansions at the Brooke Road and Leeland Road Virginia Railway Express (VRE) Stations. Mr. Sterling accepted this amendment.

## The Voting Board tally was:

Yea: (7) Sterling, Woodson, Crisp, Dudenhefer, Milde, Snellings, Stimpson

Nay: (0)

#### Resolution R10-80 reads as follows:

A RESOLUTION TO APPROVE FISCAL YEAR 2011 CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM PROJECTS

WHEREAS, it is the desire of the Board to take advantage of all available funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive federal Congestion Mitigation and Air Quality (CMAQ) Program funds; and

WHEREAS, the Fredericksburg Metropolitan Area Metropolitan Planning Organization (FAMPO) distributes these funds in the region;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that the Board be and it hereby does indicate its desire to allocate FY2011 CMAQ Program funds in the following manner: \$400,000 for design of the Staffordboro Boulevard Commuter Parking Lot expansion of 1,060 spaces with an estimated construction cost of \$2,477,000; \$500,000 to provide full funding for the parking lot expansions at the Brooke Road and Leeland Road Virginia Railway Express (VRE) Stations; and intersection improvements to Garrisonville Road (SR-610) / Onville Road (SR-641), VDOT UPC 93225, at an estimated cost of Eight Hundred Twenty-six Thousand Nine Hundred Eighty-three Dollars (\$826,983); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the FAMPO Administrator.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R10-81.

The Voting Board tally was:

Yea: (7) Sterling, Dudenhefer, Crisp, Milde, Snellings, Stimpson, Woodson

Nay: (0)

#### Resolution R10-81 reads as follows:

A RESOLUTION TO APPROVE FISCAL YEAR 2011 REGIONAL SURFACE TRANSPORTATION PROGRAM PROJECTS

WHEREAS, it is the desire of the Board to take advantage of all available funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive Regional Surface Transportation Funds (RSTP); and

WHEREAS, the Fredericksburg Metropolitan Area Metropolitan Planning Organization (FAMPO) distributes these funds in the region;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that the Board be and it hereby does indicate its desire to allocate FY2011 RSTP funds in the following manner: intersection improvements to Garrisonville Road (SR-610) / Onville Road (SR-641), VDOT UPC 93225, at an estimated cost of Six Hundred Thirty-nine Thousand Three Hundred Ninety-six Dollars (\$639,396); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the FAMPO Administrator.

Planning and Zoning; Reclassify from A-1, Agricultural and B-3, Urban Commercial Zoning District on Assessor's Parcels 38-76A, 38-76B (Portion), 38-76C, 38076E, 38-76F, 38-76G, 38-77 (Portion) and 38-80, Located at the South End of Wyche Road Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R10-98. The Voting Board tally was:

Yea: (6) Milde, Stimpson, Dudenhefer, Crisp, Snellings, Sterling

Nay: (1) Woodson

#### Resolution R10-98 reads as follows:

A RESOLUTION TO DENY THE REQUEST TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM A-1, AGRICULTURAL TO B-2, URBAN COMMERCIAL ZONING DISTRICT ON ASSESSOR'S PARCELS 38-76A, 38-76B (PORTION AS SHOWN IN THE APPLICATION), 38-76C, 38-76E, 38-76F AND 38-76G WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, R Income Properties, LLC, applicant, has submitted application RC2900101 requesting a reclassification from A-1, Agricultural and B-3, Office to B-2, Urban Commercial on Assessor's Parcels 38-76A, 38-76B (portion as shown in the application), 38-76C, 38-76E, 38-76F, 38-76G, 38-77 (portion as shown in the application) and 38-80, consisting of 90.31 acres, located on the west side of Wyche Road, 2,500 feet south of Courthouse Road, within the Aquia Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff, and testimony at the public hearing; and

WHEREAS, the Board has deemed it inappropriate to reclassify from A-1, Agricultural to B-2, Urban Commercial on Assessor's Parcels 38-76A, 38-76B (portion as shown in the application), 38-76C, 38-76E, 38-76F and 38-76G, consisting of 36.93 acres;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that the requested amendment of the Zoning Ordinance for Stafford County to reclassify Assessor's Parcels 38-76A, 38-76B (portion as shown in the application), 38-76C, 38-76E, 38-76F and 38-76G from A-1, Agricultural to B-2, Urban Commercial be and it is hereby denied.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Ordinance O10-26.

# The Voting Board tally was:

Yea: (6) Milde, Stimpson, Dudenhefer, Crisp, Snellings, Woodson

Nay: (1) Sterling

## Ordinance O10-26 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM B-3, OFFICE

TO B-2, URBAN COMMERCIAL ZONING DISTRICT ON ASSESSOR'S PARCELS 38-77 (PORTION AS SHOWN IN THE APPLICATION) AND 38-80 WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, R Income Properties, LLC, applicant, has submitted application RC2900101 requesting a reclassification from A-1, Agricultural and B-3, Office to B-2, Urban Commercial on Assessor's Parcels 38-76A, 38-76B (portion as shown in the application), 38-76C, 38-76E, 38-76F, 38-76G, 38-77 (portion as shown in the application) and 38-80, consisting of 90.31 acres, located on the west side of Wyche Road, 2,500 feet south of Courthouse Road, within the Aquia Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff, and testimony at the public hearing; and

WHEREAS, the Board has deemed it inappropriate to reclassify from A-1, Agricultural to B-2, Urban Commercial on Assessor's Parcels 38-76A, 38-76B (portion as shown in the application), 38-76C, 38-76E, 38-76F and 38-76G, consisting of 36.93 acres; and

WHEREAS, the Board has deemed it appropriate to reclassify Assessor's Parcels 38-77 (portion as shown in the application) and 38-80 from B-3, Office to B-2, Urban Commercial, consisting of 53.38 acres, of the applicant's request; and

WHEREAS, the Board has determined that the B-2 zoning classification of Assessor's Parcels 38-77 (portion as shown in the application) and 38-80 is appropriate and compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare and good zoning practice require adoption of an ordinance to reclassify the Assessor's Parcels 38-77 (portion as shown in the application) and 38-80 to B-2, Urban Commercial;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of March, 2010, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to reclassify Assessor's Parcels 38-77 (portion as shown in the application) and 38-80 from B-3, Office to B-2, Urban Commercial.

Public Works; Reconsideration of the Recommended List of Road Design Projects for Consideration for Funding by the Fredericksburg Area Metropolitan Planning Organization No action was taken on this item.

Planning and Zoning; Reclassify from R-1, Suburban Residential, to B-2, Urban Commercial Zoning District on Assessor's Parcels 20-84 and 20-85, Located at 17 and 23 Onville Road Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

Discussion ensued.

Mr. Woodson motioned, seconded by Mr. Milde to defer this item to the April 6<sup>th</sup> meeting.

The Voting Board tally was:

Yea: (7) Woodson, Milde, Crisp, Dudenhefer, Snellings, Sterling, Stimpson

Nay: (0)

<u>Finance and Budget; Award a Contract for External Audit Services</u> Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and answered Board members questions.

Mr. Sterling motioned, seconded by Mr. Snellings to adopt proposed Resolution R10-90. Discussion ensued.

Mr. Woodson stated that the School Board signed a contract with an auditor in December, 2009 and asked why the Board would adopt a resolution that includes the School Board? Ms. Perrotte answered that the Board could make amendments to the resolution.

Mr. Dudenhefer requested a copy of 2009 correspondence between Mr. George Schwartz and Ms. Patricia Healy referring to the School's use of a separate auditing firm.

Mr. Dudenhefer made a friendly amendment that a paragraph be added to the resolution stating that the Chairman of the Board of Supervisors will forward a letter to the Chairman of the School Board communicating its intent to withhold funding for duplicative auditing services. The friendly amendment was accepted by Mr. Sterling.

Mr. Dudenhefer asked that Mr. Howard investigate the School Board's standing in its desire for a separate auditor.

The Voting Board tally was:

Yea: (6) Milde, Stimpson, Dudenhefer, Crisp, Snellings, Sterling

#### Nay: (1) Woodson

## Resolution R10-90 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO AWARD A CONTRACT FOR AUDIT SERVICES TO CHERRY, BEKAERT AND HOLLAND, LLP

WHEREAS, Section 15.1-167 of the Code of Virginia (1950), as amended, requires the County to have an annual audit of financial statements by an approved independent Certified Public Accountant; and

WHEREAS, proposals were received on February 12, 2010 for providing these services resulting in Cherry, Bekaert and Holland, LLP as the firm whose professional qualifications and services were deemed most responsive by the Proposal Evaluation Committee; and

WHEREAS, Cherry, Bekaert and Holland, LLP is in agreement with the terms and conditions of the audit contract at a first year cost for FY 2010 of \$139,680;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of March 2010 that the contract for the audit of financial statements for the Primary Government, the Component Unit-School Board and the R-Board for Fiscal Year 2010 be and it hereby is awarded to Cherry, Bekaert and Holland, LLP in an amount not to exceed One Hundred Thirty-nine Thousand Six Hundred Eighty Dollars (\$139,680); and

BE IT FURTHER RESOLVED that this contract may be renewed for four (4) additional years with approval of both parties and at a price to be negotiated prior to renewal; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized and requested to award a contract to secure the activities outlined in the Scope of Services; and

BE IT STILL FURTHER RESOLVED that the Chairman of the Board of Supervisors will forward a letter to the Chairman of the School Board communicating its intent to withhold funding for duplicative auditing services by the School Board's auditor.

<u>Discuss Recommendations of the Development Fees Committee</u> Mr. Milde stated that the committee met and had recommendations. One issue was the inequities in the fee schedule. The committee suggested making a change to Conditional Use Permit amendments to proffers and major site plans by adding a minor site plan category and amendments. It also suggested a change pertaining to non-conforming properties which should not be handled on a Board or BZA level; staff should be responsible for this.

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Mr. Crisp added that the committee wanted the tiered structure of development fees to be

reviewed. The Board requested an ordinance for public hearing with a schedule of fees

that would reduce or cut in half most fees for minor adjustments.

Mr. Dudenhefer referred this item to staff to come back with recommendations on

ordinance amendments.

Legislative; Discuss Ramifications of HB 1250 Mr. Sterling expressed his concern with

this bill and the effects on the Zoning Administrator and the Board.

Mr. Jeff Harvey, Director of Planning and Zoning, gave a brief presentation on the bill

and what changes staff may have to make. Staff suggests that the Board clarify the

zoning ordinance to determine who the administrative officer is. Currently there is a 90

days recommendation in State Code. Presently it is 30 days in the County Code and the

Board could extend that time to 90 days, to allow time for public hearings for

amendments to the Zoning Ordinance.

Staff was asked to write up recommendations for presentation to the Board at a future

meeting. Mr. Snellings asked that Zoning recommendations be distributed to all

members of the Board, not just to the specified district's Board member.

Adjournment At 10:08 P. M. the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM

County Administrator

Mark Dudenhefer

Chairman